

Calendar No. 225

109TH CONGRESS
1ST SESSION

S. 939

To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2005

Mr. MARTINEZ (for himself and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 27, 2005

Reported by Ms. COLLINS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Disaster Recovery Act
3 of 2005”.

4 **SEC. 2. EXPEDITED PAYMENTS OF FEDERAL ASSISTANCE**
5 **FOR DEBRIS REMOVAL AND EMERGENCY**
6 **PROTECTIVE MEASURES.**

7 (a) DEFINITIONS.—In this section:

8 (1) ELIGIBLE APPLICANT.—The term “eligible
9 applicant” means—

10 (A) a State government;

11 (B) a local government;

12 (C) a private nonprofit organization or in-
13 stitution that owns or operates any private non-
14 profit educational, utility, emergency, medical,
15 or custodial care facility, including a facility for
16 the aged or disabled, or any other facility pro-
17 viding essential governmental services to the
18 general public, and such facilities on Indian res-
19 ervations; and

20 (D) an Indian tribe or authorized tribal or-
21 ganization, or an Alaska Native village or orga-
22 nization (other than an Alaska Native Corpora-
23 tion), the ownership of which is vested in a pri-
24 vate individual.

25 (2) ELIGIBLE CLAIM FOR ASSISTANCE.—The
26 term “eligible claim for assistance” means—

1 (A) a claim for the clearance, removal, or
2 disposal of debris (such as trees, sand, gravel,
3 building components, wreckage, vehicles, and
4 personal property); if the debris is the result of
5 an emergency or major disaster and the clear-
6 ance, removal, or disposal is necessary—

7 (i) to eliminate an immediate threat,
8 as determined by the Secretary of Home-
9 land Security, to human life, public health,
10 or safety;

11 (ii) to eliminate an immediate threat,
12 as determined by the Secretary, of signifi-
13 cant damage to public or private property;

14 (iii) to ensure the economic recovery
15 of the community affected by the emer-
16 gency or major disaster to the benefit of
17 the community and any other community,
18 as determined by the Secretary; or

19 (iv) to ensure the provision of tem-
20 porary public transportation service in the
21 community affected by the emergency or
22 major disaster pursuant to section 419 of
23 the Robert T. Stafford Disaster and Emer-
24 gency Assistance Act (42 U.S.C. 5186);

(B) an action taken by an applicant before, during, or after an emergency or major disaster that is necessary—

(i) to eliminate or reduce an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety; or

(ii) to eliminate or reduce an immediate hazard, as determined by the Secretary, that threatens significant damage to public or private property; or

(C) any other claim that the Secretary of Homeland Security determines to be appropriate.

(3) EMERGENCY.—The term “emergency” has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

(4) MAJOR DISASTER.—The term “major disaster” has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

(b) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (in-

1 cluding any regulation promulgated pursuant to that Act);
 2 the Secretary of Homeland Security, acting through the
 3 Director of the Federal Emergency Management Agency;
 4 shall pay to an eligible applicant, in accordance with sub-
 5 section (e), 50 percent of the Federal share of assistance
 6 that the applicant is eligible to receive under section
 7 403(b), 407(d), or 503 of that Act (42 U.S.C. 5170b(b),
 8 5173(d), 5193).

9 (c) DATE OF PAYMENT.—A claim described in sub-
 10 section (b) shall be paid not later than 60 days after the
 11 date on which the applicant files an eligible claim for as-
 12 sistance.

13 **SEC. 3. REQUIREMENT TO ENSURE DEBRIS CLEARANCE,**
 14 **REMOVAL, AND DISPOSAL FROM EMERGENCY**
 15 **ACCESS ROADS.**

16 (a) DEFINITION OF EMERGENCY ACCESS ROAD.—In
 17 this section, the term “emergency access road” means a
 18 road that requires access by emergency personnel, includ-
 19 ing firefighters, police, emergency medical personnel, or
 20 any other entity identified by the Secretary of Homeland
 21 Security that provides an emergency service after a dec-
 22 laration of an emergency or major disaster (as defined in
 23 section 102 of the Robert T. Stafford Disaster Relief and
 24 Emergency Assistance Act (42 U.S.C. 5122)).

1 (b) ~~REQUIREMENT.~~—Any reimbursement authorized
 2 under section 407 of the Robert T. Stafford Disaster Re-
 3 lief and Emergency Assistance Act (42 U.S.C. 5173) for
 4 clearing and removing debris shall include reimbursement
 5 for clearing, removing, and disposing of debris from any
 6 emergency access road.

7 **SEC. 4. INCLUSION OF DEBRIS REMOVAL FROM PRIVATE**
 8 **LAND AS ELIGIBLE CLAIM FOR FEDERAL AS-**
 9 **SISTANCE.**

10 Section 408(c)(2)(A) of the Robert T. Stafford Dis-
 11 aster Relief and Emergency Assistance Act (42 U.S.C.
 12 5174(c)(2)(A)) is amended—

13 (1) in clause (i), by striking “and” at the end;

14 (2) in clause (ii), by striking the period at the
 15 end and inserting “; and”; and

16 (3) by inserting after clause (ii) the following:

17 “(iii) the removal, clearance, and dis-
 18 posal of debris from private property that
 19 is the result of an emergency or major dis-
 20 aster.”.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Debris Removal Act of*
 23 *2005”.*

1 **SEC. 2. EXPEDITED PAYMENTS.**

2 (a) *EXPEDITED PAYMENTS AUTHORIZED.*—Notwith-
 3 standing the Robert T. Stafford Disaster Relief and Emer-
 4 gency Assistance Act (42 U.S.C. 5121 et seq.) (including
 5 any regulation promulgated pursuant to that Act), the Sec-
 6 retary of Homeland Security, acting through the Director
 7 of the Federal Emergency Management Agency, shall pay
 8 to an eligible applicant, in accordance with subsection (b),
 9 50 percent of the Federal share of assistance that the appli-
 10 cant is eligible to receive under section 407 of that Act (42
 11 U.S.C. 5173).

12 (b) *DATE OF PAYMENT.*—A claim described in sub-
 13 section (a) shall be paid not later than 60 days after the
 14 date on which the applicant files an eligible claim for as-
 15 sistance.

16 **SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL**
 17 **FROM EMERGENCY ACCESS ROADS.**

18 (a) *DEFINITION OF EMERGENCY ACCESS ROAD.*—In
 19 this section, the term “emergency access road” means a road
 20 that requires access by emergency personnel, including fire-
 21 fighters, police, emergency medical personnel, or any other
 22 entity identified by the Secretary of Homeland Security
 23 that provides an emergency service after a declaration of
 24 an emergency or major disaster (as defined in section 102
 25 of the Robert T. Stafford Disaster Relief and Emergency
 26 Assistance Act (42 U.S.C. 5122)).

1 (b) *REIMBURSEMENT AUTHORIZED.*—Any reimburse-
 2 ment authorized under section 407 of the Robert T. Stafford
 3 Disaster Relief and Emergency Assistance Act (42 U.S.C.
 4 5173) for clearing and removing debris may include reim-
 5 bursement for clearing, removing, and disposing of debris
 6 from any emergency access road.

7 **SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE**
 8 **CLAIM FOR FEDERAL ASSISTANCE.**

9 Section 408(c)(2)(A) of the Robert T. Stafford Disaster
 10 Relief and Emergency Assistance Act (42 U.S.C.
 11 5174(c)(2)(A)) is amended—

12 (1) in clause (i), by striking “and” at the end;

13 (2) in clause (ii), by striking the period at the
 14 end and inserting “; and”; and

15 (3) by inserting after clause (ii) the following:

16 “(iii) the removal of debris and wreck-
 17 age resulting from a major disaster from
 18 owner occupied private residential property,
 19 utilities, and residential infrastructure
 20 (such as a private access route) as necessary
 21 for a safe and sanitary living or func-
 22 tioning condition.”.

23 **SEC. 5. APPLICABILITY; TERMINATION OF AUTHORITY.**

24 This Act and the authority provided by this Act (in-
 25 cluding by any amendment made by this Act) shall—

- 1 (1) *apply to each major disaster declared in ac-*
2 *cordance with section 401 of the Robert T. Stafford*
3 *Disaster Relief and Emergency Assistance Act (42*
4 *U.S.C. 5170) during calendar year 2005; and*
- 5 (2) *terminate on the date that is 1 year after the*
6 *date of enactment of this Act.*

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